

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FREDDY M. MOROCHO, !
WALTER TACURE, on behalf of themselves !
and others similarly situated, !

Plaintiffs, !

GEORGE C. KELLY, and NYACK !
COLONIAL CAR WASH, INC., !

Defendants. !
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Case No. 07 Civ. 2979
(CLB) (MDF)

DECLARATION OF JAMES MINER

JAMES MINER hereby declares as follows:

1. I own 50% of Nyack Colonial Car Wash, Inc. ("Nyack Colonial"), a defendant in this matter. I understand that, even though discovery has already been completed between the plaintiffs and the defendants, the plaintiffs are attempting to amend the complaint and add new parties to this action, including me, J&J Associates ("J&J"), of which I own 50%, Northvale Car Wash, Inc. ("Northvale"), a corporation of which I own 50%, and Pearl River Car Wash, Inc. ("Pearl River"), another corporation of which I own one-third with different partners. I have personal knowledge of the information contained herein.

2. J&J does not operate any car wash. Northvale and Pearl River are run independently of Nyack Colonial and each other. Nyack Colonial, Northvale and Pearl River operate three different car washes, in three different locations. They do not share management. They do not share revenue. They do not share liabilities. They do not share employees. None of the plaintiffs in this action have ever worked for J&J, Northvale or Pearl River, a fact I understand the plaintiffs themselves concede.

3. Moreover, I am not directly involved in the management of any of the car washes operated by any of Nyack Colonial, Northvale or Pearl River.

4. For these reasons, I ask that the plaintiffs' attempt to add me, J&J, Northvale and Pearl River, among others, as parties to this action, be denied.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 1, 2008.



JAMES MINER